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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MARK WILSON,	)	) Case No. 6:21-cv-01606-SI
Plaintiff,	)	)
vs.	)	) MOTION TO EXCEED WORD COUNT
JERRY PLANTE, RONNIE FOSS, JOSHUA	)	) LIMIT FOR MEMORANDUM IN SUPPORT
HIGHERGER, CRAIG PRINS, MELISSA	)	) OF PLAINTIFF'S MOTION FOR PARTIAL
NOFZIGER, COLETTE PETERS, MARIE	)	) SUMMARY JUDGMENT ON HIS SECOND
GARCIA and JOHN DOES 1-10,	)	) CLAIM FOR RELIEF.
Defendants.	)	) (Defendants take no position.)
	)	)

**MOTION**

Pursuant to LR 7-1, counsel for the plaintiff certifies that attorneys for the plaintiff and all defendants have conferred in good faith about the matters at issue in this motion. They have been unable to resolve the matters at issue herein without the filing of this motion. Defendants take no position on this motion.

Pursuant to LR 7-2(a)(1), Plaintiff seeks the Court's approval to file a memorandum that exceeds the length limit of 11,000 words or 35 pages. Based on the

length of a much edited and carefully worded draft, Plaintiff requests leave to file a memorandum not to exceed 66,000 words (194 pages) in length.

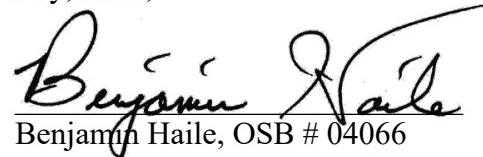
Plaintiff has taken great care to draft and edit the Memorandum in Support of Plaintiff's Partial Motion for Summary Judgment, which pertains to Plaintiff's Second Claim for Relief. However, due to the number of issues raised and the complexity of some of those issues, Plaintiff submits that a memorandum that exceeds the length limit is necessary. The memorandum contains argument about many due process violations in the disciplinary hearing process that culminated in Plaintiff being sanctioned to serve 120 days in Disciplinary Solitary Confinement. Argument pertains to violations in the charging, the conduct of the disciplinary hearing, the basis of conviction, and the process of review. Argument pertains to due process violations by defendants Plante, Foss, Highberger, Prins, and Nofziger. Argument gives attention to doctrines that constrain a prisoner's ability to challenge due process violations that occur in the disciplinary process. The length is due in part to quoted material that Plaintiff's believes will be more convenient for the court to reference as a block quote than as a summary followed by a citation to an exhibit or case.

Plaintiff makes this request for leave to exceed the length limit with respect for the value of diligent editing, focused argument, and avoidance of collateral issues.

## CONCLUSION

Plaintiff does not ask for leave to file a lengthy memorandum carelessly. For the reasons stated above, a memorandum approaching 194 pages is necessary to fairly and zealously present the arguments in support of Plaintiff's motion.

DATED, and respectfully submitted this 9th day of May, 2023,



Benjamin Haile  
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